

STAYED,ENE,IFP,USMSVC

U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:17-cv-01418-JAH-RBB

Reyes v. United States Department of the Interior, Bureau of Indian Affairs, Southern California Agency
Assigned to: Judge John A. Houston
Referred to: Magistrate Judge Ruben B. Brooks
Cause: 05:0552fi Freedom of Information Act

Date Filed: 07/13/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Emilio Reyes**

represented by **Emilio Reyes**
615 5th Avenue
Chula Vista, CA 91910
619-829-0130
PRO SE

V.

Defendant

United States Department of the Interior, Bureau of Indian Affairs, Southern California Agency

represented by **Brett Norris**
United States Attorney Office
880 Front Street
Room 6293
San Diego, CA 92101-8807
(619) 546-7620
Fax: (619) 546-7751
Email: brett.norris@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rebecca Grace Church
United States Attorney's Office
Southern District of California
880 Front Street
Room 6293
San Diego, CA 92101
(619) 546-7721
Email: rebecca.church@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/13/2017	<u>1</u>	COMPLAINT against United States Department of the Interior, Bureau of Indian Affairs, Southern California Agency, IFP Filed, filed by Emilio Reyes. (Attachments: # <u>1</u> Civil Cover Sheet) The new case number is 3:17-cv-1418-BTM-AGS. Judge Barry Ted Moskowitz and Magistrate Judge Andrew G. Schopler are assigned to the case.(dsn) (sjt). (Entered: 07/13/2017)
07/13/2017	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Emilio Reyes. (dsn) (Entered: 07/13/2017)
07/17/2017	<u>3</u>	NOTICE OF RELATED CASE(S) by United States Department of the Interior, Bureau of Indian Affairs, Southern California Agency of case(s) 17cv1187; 17cv1188; 17cv1189; 17cv1190; 17cv1191; 17cv1192; 17cv1193; 17cv1194; 17cv1195; 17cv1196; 17cv1197; 17cv1417; 17cv1418; 17cv1419; 17cv1420 . (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) qc email atty needs to file a NOA, if needed, on 7/18/2017 and prepared low number order on 7/18/2017 (rlu). (Entered: 07/17/2017)

07/25/2017	<u>4</u>	NOTICE of <i>Prior Identical Case</i> by United States Department of the Interior, Bureau of Indian Affairs, Southern California Agency (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (rlu). (Entered: 07/25/2017)
08/23/2017	<u>5</u>	ORDER OF TRANSFER PURSUANT TO LOW NUMBER RULE. Case reassigned to District Judge John A. Houston and Magistrate Judge Ruben B. Brooks for all further proceedings. District Judge Barry Ted Moskowitz and Magistrate Judge Andrew G. Schopler no longer assigned to case. Create association to 3:17-cv-01190-(JAH) RBB. The new case number is 17cv1418-JAH (RBB). Signed by Judge Barry Ted Moskowitz on 8/22/2017. Signed by Judge John Houston on 8/18/2017. Motions set before Ruben B. Brooks.(All non-registered users served via U.S. Mail Service)(mxn) (Entered: 08/23/2017)
11/06/2017	<u>6</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis. US Marshal shall effect service of complaint. (summons and ifp package prepared). Signed by Judge John A. Houston on 11/02/2017. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 11/06/2017)
11/06/2017	<u>7</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. Summons will be mailed to plaintiffs not receiving notice electronically. (Attachments: # <u>1</u> in forma pauperis letter)(jpp) (Entered: 11/06/2017)
12/12/2017	<u>8</u>	SUMMONS Returned Executed by Emilio Reyes. U.S. Attorneys Office served. (jpp) (Entered: 12/13/2017)
12/12/2017	<u>9</u>	SUMMONS Returned Executed by Emilio Reyes. United States Department of the Interior, Bureau of Indian Affairs, Southern California Agency served. (jpp) (Entered: 12/13/2017)
12/27/2017	<u>10</u>	SUMMONS Returned Executed by Emilio Reyes. Office of the Attorney General served.(jpp) (Entered: 01/03/2018)
01/04/2018	<u>11</u>	ANSWER to <u>1</u> Complaint, by United States Department of the Interior, Bureau of Indian Affairs, Southern California Agency. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca)Attorney Rebecca Grace Church added to party United States Department of the Interior, Bureau of Indian Affairs, Southern California Agency (pty:dft) (jpp). (Entered: 01/04/2018)
01/09/2018	<u>12</u>	NOTICE AND ORDER for Early Neutral Evaluation Conference. Early Neutral Evaluation set for 2/7/2018 01:30 PM before Magistrate Judge Ruben B. Brooks. Signed by Magistrate Judge Ruben B. Brooks on 1/09/2018.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 01/09/2018)
02/08/2018	<u>13</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks. Early Neutral Evaluation Conference held on 2/8/2018. Settlement Conference set for 5/16/2018 at 1:30pm. Signed by Magistrate Judge Ruben B. Brooks on 2/08/2018. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/08/2018)
02/08/2018	<u>14</u>	SCHEDULING ORDER regulating discovery and other pre-trial proceedings. Settlement Conference set for 5/16/2018 01:30 PM in Courtroom 2C before Magistrate Judge Ruben B. Brooks. Proposed Pretrial Order due by 6/17/2019. Final Pretrial Conference set for 6/24/2019 02:30 PM in Courtroom 13B before Judge John A. Houston. Signed by Magistrate Judge Ruben B. Brooks on 2/08/2018.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/08/2018)
03/22/2018	<u>15</u>	MINUTE ORDER – Due to a conflict on the Courts calendar, the Court resets the settlement conference currently scheduled for May 16, 2018, at 1:30 p.m. to June 27, 2018, at 1:30 p.m. The parties shall submit a joint settlement status report directly to chambers by June 20, 2018. Signed by Magistrate Judge Ruben B. Brooks on 3/22/2018.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 03/22/2018)
06/20/2018	<u>16</u>	MINUTE ORDER – Due to a conflict on the Courts calendar, the settlement conference scheduled for June 27, 2018, at 1:30 p.m. is reset to July 10, 2018, at 10:00am. All other guidelines and requirements remain in effect.Signed by Magistrate Judge Ruben B. Brooks on 6/20/2018.(All non-registered users served via U.S. Mail

		Service)(jpp) (Entered: 06/20/2018)
07/11/2018	<u>17</u>	MINUTE ORDER: A settlement conference was held. A settlement conference is set for 1/15/2019 at 2:00 p.m. before Magistrate Judge Ruben B. Brooks. The parties shall submit a joint settlement status report by 1/8/2019. Signed by Magistrate Judge Ruben B. Brooks on 7/10/2018.(mpl) (Entered: 07/11/2018)
01/03/2019	<u>18</u>	Ex Parte MOTION to Stay <i>During Lapse in Federal Appropriations</i> by United States Department of the Interior, Bureau of Indian Affairs, Southern California Agency. (Attachments: # <u>1</u> Proof of Service)(Norris, Brett)Attorney Brett Norris added to party United States Department of the Interior, Bureau of Indian Affairs, Southern California Agency (pty:dft) (dlg). (Entered: 01/03/2019)
01/04/2019	<u>19</u>	ORDER granting <u>18</u> Motion to Stay During Lapse in Federal Appropriations. Signed by Judge John A. Houston on 1/3/19. (All non-registered users served via U.S. Mail Service)(dlg) (Entered: 01/04/2019)
01/08/2019	<u>20</u>	MINUTE ORDER – In light of the stay in effect in these matters due to the lapse in federal appropriations, the Court continues the settlement conference set for January 15, 2018 to February 26, 2019, at 2:00 p.m. The parties shall submit a joint settlement status report by February 19, 2019. As the date of the settlement conference approaches, the Court will reevaluate whether a further continuance is required if Congress has not yet appropriated funds by that time.Signed by Magistrate Judge Ruben B. Brooks on 1/08/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 01/08/2019)
02/01/2019	<u>21</u>	Joint MOTION to Amend/Correct <u>20</u> Order,,, Set Hearings,,, Terminate Hearings,, <u>14</u> Scheduling Order, <i>Regarding Lift of Stay</i> by United States Department of the Interior, Bureau of Indian Affairs, Southern California Agency. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 02/01/2019)
02/05/2019	<u>22</u>	MINUTE ORDER – The joint motion is GRANTED. The settlement conference set for February 26, 2019 is continued to March 19, 2019, at 2:00 p.m. The parties shall submit a joint settlement status report by March 12, 2019. Additionally, the pretrial conference set for June 24, 2019, at 2:30 p.m. before the Honorable John A. Houston is vacated. The pretrial conference will be reset after the resolution of pretrial motions. Signed by Magistrate Judge Ruben B. Brooks on 2/05/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/05/2019)
02/06/2019	<u>23</u>	MINUTE ORDER – The parties joint request to continue the deadline to file pretrial motions, set forth in their joint motionregarding lift of stay and request to amend the scheduling order [ECF No. 48], is GRANTED. The deadline tofile pretrial motions is continued from February 25, 2019, to April 23, 2019.. Signed by Magistrate Judge Ruben B. Brooks on 2/06/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/06/2019)
03/20/2019	<u>24</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks:Settlement Conference held on 3/20/2019, Settlement Conference set for 7/9/2019 at 2:00pm. Signed by Magistrate Judge Ruben B. Brooks on 3/20/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 03/20/2019)
04/23/2019	<u>25</u>	MOTION for Summary Judgment on <i>FOIA Complaint and Motion to Consolidate</i> by United States Department of the Interior, Bureau of Indian Affairs, Southern California Agency. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration Howard, # <u>3</u> Declaration Long, # <u>4</u> Declaration Moore, # <u>5</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 04/23/2019)
05/13/2019	<u>26</u>	Notice of Document Discrepancies and Order Thereon by Judge John A. Houston Accepting Document: Ex Parte Application for Order Permitting Plaintiffs Late Filing on Response to Defendants Notice of Motion and Motion and Motion for Summary Judgment on FOIA Complaint, from Plaintiff Emilio Reyes. Non-compliance with local rule(s), Civ. L. Rule 7.1: Lacking memorandum of points and authorities in support as a separate document. Nunc Pro Tunc 5/13/2019. Signed by Judge John A. Houston on 5/13/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 05/14/2019)

05/13/2019	<u>27</u>	Ex Parte Application for Order Permitting Plaintiffs Late Filing on Response to Defendants Notice of Motion and Motion and Motion for Summary Judgment on FOIA Complaint, by Emilio Reyes. NUNC PRO TUNC 5/13/2019 (jpp) (Entered: 05/14/2019)
05/22/2019	<u>28</u>	ORDER granting <u>27</u> Plaintiff's Application for order permitting late filing. Plaintiff shall file his opposition to the motion for summary judgment no later than 5/28/2019. Signed by Judge John A. Houston on 5/22/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 05/22/2019)
05/23/2019	<u>29</u>	Notice of Document Discrepancies and Order Thereon by Judge John A. Houston Accepting Document: Memorandum in Opposition to Defendants Motion for Summary Judgment and in Support of Plaintiffs Motion for Summary Judgment, Opposition to Declaration of Javin Moore and Harley Long, Plaintiffs Notice of Non-Opposition to Defendants Motion to Consolidate, from Plaintiff Emilio Reyes. Non-compliance with local rule(s), OTHER: LR 5.1.m All documents submitted for filing must be filed and captioned separately.. Nunc Pro Tunc 5/23/2019. Signed by Judge John A. Houston on 5/23/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 05/23/2019)
05/23/2019	<u>30</u>	Memorandum in Opposition to <u>25</u> Defendant's MOTION for Summary Judgment and in Support of Plaintiffs Motion for Summary Judgment, Opposition to Declaration of Javin Moore and Harley Long, Plaintiffs Notice of Non-Opposition to Defendants Motion to Consolidate, filed by Emilio Reyes.NUNC PRO TUNC 5/23/2019 (jpp) (Entered: 05/23/2019)
05/31/2019	<u>31</u>	MOTION for Extension of Time to File Response/Reply as to <u>25</u> MOTION for Summary Judgment on <i>FOIA Complaint and Motion to Consolidate</i> by United States Department of the Interior, Bureau of Indian Affairs, Southern California Agency. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 05/31/2019)
06/03/2019	<u>32</u>	ORDER granting ex parte application for a two week extension of time to file Defendants' reply in support of motion for summary judgment on FOIA Complaint. Defendants shall file any reply no later than 6/17/2019. The hearing on the motion is continued to 7/01/2019 at 2:30pm. Signed by Judge John A. Houston on 6/03/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 06/03/2019)
06/17/2019	<u>33</u>	Ex Parte MOTION for Leave to File Excess Pages <i>Unopposed</i> by United States Department of the Interior, Bureau of Indian Affairs, Southern California Agency. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 06/17/2019)
06/17/2019	<u>34</u>	REPLY to Response to Motion re <u>25</u> MOTION for Summary Judgment on <i>FOIA Complaint and Motion to Consolidate</i> filed by United States Department of the Interior, Bureau of Indian Affairs, Southern California Agency. (Attachments: # <u>1</u> Declaration Supplemental Moore, # <u>2</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 06/17/2019)
06/18/2019	<u>35</u>	ORDER granting <u>33</u> unopposed ex parte application for two extra pages for Defendants' reply in support of motion for consolidation of cases and summary judgment on FOIA Complaint. Signed by Judge John A. Houston on 6/18/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 06/18/2019)
06/25/2019	<u>36</u>	ORDER vacating hearing on <u>25</u> motion for summary judgment and taking motion under submission. Signed by Judge John A. Houston on 6/25/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 06/25/2019)
07/10/2019	<u>37</u>	Minute Order: The settlement conference scheduled for July 9, 2019 is reset for August 20, 2019, at 2:00 p.m. before Magistrate Judge Ruben B. Brooks. Signed by Magistrate Judge Ruben B. Brooks on 7/10/2019. (All non-registered users served via U.S. Mail Service) (jao). (Entered: 07/10/2019)
08/20/2019	<u>38</u>	Minute Order. A settlement conference was held. A telephonic settlement conference is set for November 26, 2019, at 8:30 a.m. Counsel for Defendant is to initiate the call. Signed by Magistrate Judge Ruben B. Brooks on 8/20/2019. (Plaintiff Attorney Emilio Reyes). (Defendant Attorney Rebecca G. Church). (All non-registered users served via U.S. Mail Service) (tcf) (Entered: 08/21/2019)

11/26/2019	<u>39</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks: A telephonic attorneys-only settlement conference was held. A telephonic attorneys-only settlement conference is set for February 25, 2020, at 8:30 a.m. Counsel for Defendant is to initiate the call. (Plaintiff Attorney Emilio Reyes). (Defendant Attorney Rebecca G. Church). (All non-registered users served via U.S. Mail Service) (tcf) (Entered: 11/26/2019)
------------	-----------	---